IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1323 of 1987

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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JAYANTILAL PRAHALADJI BRAHMBHATT - Appellant(s)
Versus
GUJARAT STATE TRANSPORT CORPORATION - Defendant(s)

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Appearance :
MR DR BHATT for Appellant(s) : 1,
MR HARDIK RAVAL for Defendant(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 17/08/2006

ORAL JUDGMENT

1. This appeal is directed against the judgement and award dated 21st September 1985 by the Motor Accident Claims Tribunal, Valsad at Navsari in Motor Accident Claim Petition No.373 of 1984 whereby the claim petition came to be dismissed.

2. The case of the claimant was that the ST Bus dashed against the shop of the claimant as a result of which he suffered damages and therefore he filed the aforesaid claim petition. The said petition came to be rejected.

3. Learned Advocate for the appellant submitted

that heavy damage was caused to the shop of the appellant and therefore the Tribunal ought to have allowed the petition.

4. As a result of hearing and perusal of the record it is found that the Tribunal has clearly recorded a finding that even after the cross examination on behalf of the appellant, there is nothing to show that damage was caused to the extent of Rs.5000/- as alleged by the appellant. The appellant has failed to give any evidence showing such damage. Learned Advocate for the appellant is unable to point out anything to take a contrary view than what is taken by the Tribunal. I am in complete agreement with the reasonings adopted and findings arrived at by the Tribunal. In the result this appeal is dismissed. No order as to costs.

[K.S. JHAVERI, J.]

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